

Curtis L. Ashton, et al.  
Application No. 09/200,631  
Amendment dated September 17, 2003  
Reply to Office Action of June 18, 2003

### REMARKS/ARGUMENTS

#### Status of the Application:

Prior to entry of this response, claims 1, 4-11 and 13-28 are pending in this application. Claims 1, 4-11 and 13-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bigham et al. (U.S. Patent No. 5,740, 075), in view of Hawley (U.S. Patent No. 5,523,868). New claims 29 and 30 have been added. No claims have been amended or canceled by this response. Thus, after entry of this response, claims 1, 4-11 and 13-30 are now pending in the application.

#### New Claims:

New dependent claims 29 and 30 have been added in the application. Support for the new claims can be found at, *inter alia*, page 11, lines 25-29.

#### Rejections Under 35 U.S.C. §103(a):

The Office Action has rejected claims 1, 4-11 and 13-28 under 35 U.S.C. §103(a) as being unpatentable over Bigham in view of Hawley. The applicants respectfully traverse the rejections and submit the following arguments in support of their position. The cited references, either alone or in combination, fail to disclose each limitation of the claims.

For example, claim 1 recites, *inter alia*, "an electrical power source configured to supply an electrical supply voltage to power the optical network node, the electrical power source comprising an alarm system configured to monitor the operation of the electrical power source and transmit electrical power source operation information to the telecommunication service provider." The Office Action correctly notes that Bigham fails to teach that the power source can comprise an alarm system configured to monitor the operation of the electrical power source and provide power source operation information. The Office Action contends, however, that Hawley teaches this limitation and that the references, when combined, render claim 1 obvious.

Hawley, however, does not teach an alarm system configured to monitor the operation of the electrical power source and transmit electrical power source operation information to the telecommunications service provider. Instead, Hawley (col. 5, lines 32-33) teaches an

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"Apparatus for monitoring power loss in a remote optical network unit." Further, Hawley (col. 4, lines 55-63) teaches power loss detection circuitry and switches that act as a "deadman's switch" which, in the event of a power loss, enables an energy storage device to supply power to the optical network unit and "provide for a 'dying gasp' transmission of an alarm message specifying pertinent data regarding the power loss." In accordance with Hawley, the optical line unit component of the optical network unit (illustrated in FIG. 3b) is used to output the "dying gasp" transmission (col. 5, lines 3-10). Thus, the system of Hawley functions to monitor only whether the optical network actually receives power. As such, Hawley fails to disclose any monitoring of the power source itself.

In fact, Hawley's disclosure does not even contemplate an electrical power source comprising an alarm system, as claimed in, for instance, claim 1. Nor does Hawley teach or suggest monitoring the power level and operational data in the absence of a power loss as is claimed, for instance, in claim 28, which recites "monitoring information selected from a group consisting of information about an AC power source, information about a rectifier's voltage, information about a converter's voltage, and information about a current limiter's current." Clearly, therefore, the teaching of Hawley is not an alarm system to monitor the operation of an electrical power source, but in fact a system for detecting and indicating a power failure of an optical network unit. Hawley, therefore, cannot be considered to teach (or even suggest) the limitations of claim 1. For at least these reasons, claim 1 is allowable. For at least similar reasons, claim 14 is also allowable over the cited references.

Moreover, dependent claims 4-11, 13, and 15-30 are allowable as depending from allowable base claims as well as being directed to specific novel substitutes. For instance, claim 18 is directed to an electrical conducting medium configured to conduct the electrical supply voltage and the communication data from the optical network node to a remote user device. Bigham does not disclose powering remote user devices, but instead limits its teaching to communication with remote user devices. As another example, new claim 30 is directed to the electrical power source operation information being transmitted to the telecommunications

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service provider via a medium other than the fiber optic communication medium. In contrast, Hawley explicitly limits the "dying gasp" transmission medium to optical fiber and fails to provide any suggestion or motivation to use any medium other than the optical fiber as the transport for its "dying gasp."


For at least these reasons, the cited references fail to render claims 1, 4-11, and 13-30 unpatentable. Thus, the applicants respectfully request that the rejections under 35 U.S.C. §103(a) be withdrawn.

#### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
Chad E. King  
Reg. No. 44,187

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
CEK:tnd  
47109695 v1